

**REMARKS**

**Introduction**

Claims 1-21 are pending in this application. Claims 1-5 and 16-18 were rejected and claims 6, 8-15 and 19-21 were objected to as being allowable if rewritten in independent form including all the limitations of the claims from which they depend. Claims 1, 6, 9-11, 14, 15 and 16 have been amended in this response. Claim 8 has been cancelled without prejudice.

Independent Claims 1 and 16 have been rewritten to include the limitations of cancelled claim 8. Claim 6 has been rewritten to include all of limitations of base claim 1 and intervening claims 2-5. Claim 15 has been rewritten in independent form including all the limitations of base claim 1. Claims 9-11 and 14 have been amended to amend from claim 1. The specification has been amended to correct a typographical error. As such the amendments to the specification and claims contain no new matter.

**Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 1-5 and 16 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Inoue (US 4,705,981). Applicants respectfully disagree. However in the interest of expediting prosecution, Applicants have amended claim 1 to include all of the limitations of claim 8, which was previously indicated as allowable if rewritten in independent form including all of the limitations of the base and intervening claims. Furthermore, claim 16 has been amended to include the limitations of claim 8, of an acoustic structure defining an acoustic path for sound generated by the diaphragm and extending away from the main body of the diaphragm on its side remote from the piezoelectric body. As noted by the Examiner, neither Inoue or Schaft (US 4,047,060) disclose this element.

Accordingly, it is respectfully submitted that claims 1 and 16 be allowed.

Dependent claims 2-5, 7, 9-14, 17, 18, 20 and 21 are allowable for at least the same reasons as independent claims 1 and 16, and further distinguish the claimed invention.

The Examiner notes that claim 4 appears to be in error in stating that an electrical insulating bonding material is used, since claim 5 requires electrical contact between the piezoelectric element and the metal diaphragm, however further states that the prior art teaches that very thin layers of insulating epoxy allowing electrical contact are known in the art.

**Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-5, 7 and 16-18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable under Schaft (US 4,047,060) in view of Inoue. Applicants respectfully disagree, however in the interest of expediting prosecution, independent claims 1 and 16 have been amended to include all of the limitations of objected to as allowable claim 8. Furthermore, claim 16 has been amended to include the limitations of claim 8.

Dependent claims 2-5, 7, 9-14, 17, 18, 20 and 21 are allowable for at least the same reasons as independent claims 1 and 16, and further distinguish the claimed invention.

Claim 15, which the Examiner objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims, has been rewritten in independent form including all of the limitation of base claim 1. As such, it is respectfully submitted that claim 15 is in condition for allowance.

The cited references Guess, Roof, Strubbe, Ito and Park (figure 12), fail to disclose the invention as claimed.

**Application No.: 10/517,057**

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Aamer S. Ahmed

Registration No. 58,958

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 ASA:MWE  
Facsimile: 202.756.8087  
Date: June 15, 2007

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as our correspondence address.**